

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

REDACTED PUBLICLY FILED VERSION

**SUPPLEMENTAL DECLARATION OF DIANA HUGHES LEIDEN IN SUPPORT OF
COX’S MOTION TO TAKE ADDITIONAL THIRD-PARTY DEPOSITIONS**

I, Diana Hughes Leiden, hereby declare:

1. I am a partner with the firm of Winston & Strawn LLP, attorneys of record for Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, “Cox”). I submit this declaration in further support of Cox’s Motion for Leave to Take Additional Third-Party Depositions (the “Motion for Leave”). I have personal knowledge of all facts stated in this declaration, and if called upon as a witness, I could and would competently testify thereto.

2. I have reviewed the Rebuttal Expert Reports of Drs. Kevin Almeroth and Nick Feamster submitted on behalf of Cox on May 15, 2019.

3. Dr. Feamster relies on documents and testimony relating to MarkMonitor, including the deposition transcript of Stroz Friedberg, MarkMonitor source code, MarkMonitor’s technical documentation, summary of works found on torrents, the Stroz Friedberg and Harbor Labs assessments of MarkMonitor, and MarkMonitor’s responses thereto. Dr. Feamster also relies on documents and testimony relating to Audible Magic, including Audible Magic source code, technical documentation, transaction logs, reference database, and the deposition transcript of

Vance Ikezoya, Audible Magic's 30(b)(6) witness.

4. Dr. Almeroth relies on the deposition transcript of Stroz Friedberg and a number of reports that they produced relating to the Copyright Alert System.

5. I have reviewed the Copyright Alert System ("CAS") Memorandum of Understanding ("MOU") that outlines the CAS graduated response, which does not result in termination. I have read the Attachments A and B that list the participating Content Owners and ISPs, which include the RIAA, UMG Recordings, Inc., and Sony Music Entertainment. Attached hereto as **Exhibit 1** is a true and correct copy of public version of the MOU.

6. I have reviewed the Copyright Alert System FAQs webpage. Attached hereto as **Exhibit 2** is a true and correct screenshot of the CAS FAQs webpage from June 25, 2014 available at <https://web.archive.org/web/20140625053138/http://www.copyrightinformation.org/resources-faq/copyright-alert-system-faqs>.

7. In his Rebuttal Expert Report, Dr. Feamster opines REDACTED

8. I have reviewed the Excel file, Plaintiffs_00286281. This document consists of four datasets, eleven to fourteen columns of data per data set, tens of thousands of rows of data overall. In each data set, one of the several columns in each is Audible_magic_info_id. This column appears no sooner than the eighth column and as far as the eleventh column depending on the dataset. The Excel file provides no context or key regarding the meaning of

Audible_magic_info_id.

9. I have reviewed correspondence among the RIAA, MarkMonitor, and Audible Magic and Ms. Sheckler was one of the primary individuals from the RIAA corresponding with both entities.

10. Cox served deposition subpoenas on Jill Lesser and Victoria Sheckler. Plaintiffs' counsel is representing both Ms. Lesser and Ms. Sheckler for purposes of their depositions. The parties are in the process of scheduling the date of the depositions in Washington, D.C. where both Ms. Lesser and Ms. Sheckler are located. Cox does not expect either deposition to last a full day.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of May, 2019 in Los Angeles, California.

/s/ Diana Hughes Leiden
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